

TITLE 16. PHYSICIAN ASSISTANT COMMITTEE

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Hilton Los Angeles Airport, 5711 West Century Boulevard, Carmel Room, Los Angeles, California, 90045 at 11:00 a.m., on 31 May 2007. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office not later than 5:00 p.m. on 28 May 2007 or must be received by the Physician Assistant Committee at the hearing. The Physician Assistant Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 3510 of the Business and Professions Code and to implement, interpret or make specific Sections 11425.50 and 11519 of the Government Code, and Sections 3527, 3528, 3529, 3530, and 3531 of the Business and Professions Code, the Physician Assistant Committee is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend section 1399.523.

The existing regulation incorporates by reference the committee's disciplinary guidelines entitled, "Manual of Disciplinary Guidelines and Model Disciplinary Orders 2nd Edition, 2002." The guidelines are used by committee staff, Deputy Attorneys Generals, Administrative Law Judges, licensees, and attorneys to assist in determining penalties in the disciplinary process against physician assistant licensees. On 15 February 2007 the committee approved revisions to the disciplinary guidelines. This proposal would incorporate by reference the revised document entitled, "Manual of Disciplinary Guidelines and Model Disciplinary Orders 3rd Edition, 2007.

Since adoption of the prior version, the committee has considered revisions to the guidelines incorporating additional violations and modifications to penalties to be consistent and appropriate to the practice of physician assistants. The

changes also attempt to ensure a violation will not be repeated and provide the committee tools for effectively monitoring probation compliance.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Some cost savings due to cost recovery and probation monitoring payments from licensees who have been disciplined.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because it only effects individual licensees who are being disciplined by the committee.

AND

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The Physician Assistant Committee has determined that this regulatory proposal may expand the following types of businesses: businesses offering Medical Records Keeping Courses and Professional Boundaries Programs that may be required as terms for physician assistant probation licensees.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Physician Assistant Committee are cost associated with a disciplinary order. Costs only affect individual licensees who are being disciplined.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Physician Assistant Committee has determined that the proposed regulations would not affect small businesses because the regulations are applicable only to physician assistants who are disciplined by the committee and placed on probation.

CONSIDERATION OF ALTERNATIVES

The Physician Assistant Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Physician Assistant Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 1424 Howe Avenue, Suite 35, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Glenn Mitchell
Address: 1424 Howe Avenue, Suite 35
Sacramento, CA 95825

Telephone No.: (916) 561-8783
Fax No.: (916) 263-2671
E-Mail Address: gmitchell@mbc.ca.gov

The backup contact person is:

Name: Elberta Portman
Address: 1424 Howe Avenue, Suite 35
Sacramento, CA 95825

Telephone No.: (916) 561-8782
Fax No.: (916) 263-2671
E-Mail Address: eportman@mbc.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to:

Name: Dianne Tincher
Address: 1424 Howe Avenue, Suite 35
Sacramento, CA 95825

Telephone No.: (916) 561-8786
Fax No.: (916) 263-2671
E-Mail Address: dtincher@mbc.ca.gov

Website Access : Materials regarding this proposal can be found at:
www.physicianassistant.ca.gov.